

Exhibit B

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION,)
et al.,)

Plaintiff,)

v)

PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., et)
al.)

Defendant)

Case No: 4:16-cv-2163-CDP

CERTIFICATE OF SERVICE

The undersigned certifies that the original of:

- **Counterclaim Defendant Connie Casey's Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(2)**

was sent via e-mail and regular mail, postage prepaid on this 15th day of February 2019 to:

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Connie Braun Casey***

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION, et)
al.,)
)
Plaintiffs/Counterclaim Defendants,)
)
v.) Case No: 4:16-CV-2163-CDP
)
PEOPLE FOR THE ETHICAL TREATMENT)
OF ANIMALS, INC., et al.)
)
Defendants/Counterclaim Plaintiffs.)

**COUNTERCLAIM DEFENDANT CONNIE CASEY'S DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(2)**

COMES NOW Counterclaim Defendant Connie Casey, by and through undersigned counsel, and for her Disclosures Pursuant to Federal Rule of Civil Procedure 26 (a)(2), states as follows:

1. Counterclaim Defendant Connie Casey's Rule 26(a)(2)(B) retained expert witnesses:

No expert witnesses are required to support any affirmative allegations upon which Counterclaim Defendant Connie Casey would bear the burden of proof at this initial stage of the litigation, except to the extent of the non-retained experts set out in section Number 2. below. Because Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott have not named any expert witnesses, retained or non-retained, and because Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott bear the burden of proof on the affirmative claims at issue in this case, Counterclaim Defendant Connie Casey cannot now name retained expert witnesses who would be required to follow the procedures of Rule 26(a)(2)(B) in that it is not possible for Counterclaim Defendant Connie Casey to determine with any degree of accuracy what the specific affirmative claims that Counterclaim Plaintiffs will make with respect to Counterclaim Defendant Connie Casey's facility at issue in this matter. The Court's Second Amended Scheduling Order in this matter has specifically allowed for the disclosure of rebuttal expert reports pursuant to Rule 26(a)(2)(B) consistent with Rule 26(a)(2)(D)(ii). See Dkt. No. 127. Consistent with that

Order, Counterclaim Connie Casey reserves her right to name rebuttal experts in response to whatever specific items are identified in Counterclaim Plaintiffs expert disclosures and to provide such rebuttal reports at those times.

2. Counterclaim Defendant Connie Casey's Rule 26(a)(2)(C) non-retained expert witnesses:

- a. **William Snow, D.V.M., Animal and Plant Health Inspection Service, United States Department of Agriculture, 2150 Centre Ave., Building B, Mailstop 3W11 Fort Collins, CO 80526-8117, Phone: (970) 494-7478.**

It is expected that this witness testify concerning his conclusions in the May 10, 2018 Inspection Report that "No non-compliant items identified during this inspection" under the requirements of the Animal Welfare Act regulations applicable to Counterclaim Defendant Connie Casey's facility with respect to the care of the chimpanzees at issue in this case. This witness will testify about the processes that are followed by such inspectors as set out in the USDA Animal Welfare Inspection Guide, the applicable regulations which include, but are not limited to, 9 C.F.R. § 3.75, et seq. and 9 C.F.R. § 2.1, et seq., interpretive guidance provided by the USDA applicable to the facility, and his general practice as an animal welfare inspector. This witness will testify regarding all testing, measurement, and observations that he made in connection with the May 10, 2018 inspection report and that form the basis for the conclusions reached in the report. This witness will also be called upon to testify regarding how the Animal Welfare Act regulations in this matter are interpreted and applied to further explain his findings of no non-compliant items at Counterclaim Defendant Connie Casey's facility.

This witness will also be called upon to testify regarding his observations and opinions concerning the condition of the chimpanzees at issue in this matter, that will include both opinions regarding the generally acceptable physical condition of the chimpanzees and the absence of signs of psychological distress with respect to the chimpanzees at issue in this case.

Furthermore, this witness may be called upon to testify regarding any inspections of Counterclaim Defendant Connie Casey's facility that he has conducted as an animal welfare inspector that occur between the time of this disclosure and the time of trial in this matter.

The May 10, 2018 report at issue is attached to this disclosure. The other relevant documents referred to in this disclosure are equally available to all parties and in the public domain.

- b. **William Heine, A.C.I., Animal and Plant Health Inspection Service, United States Department of Agriculture, 2150 Centre Ave., Building B, Mailstop 3W11 Fort Collins, CO 80526-8117, Phone: (970) 494-7478.**

It is expected that this witness testify concerning his conclusions in the August 11, 2017 Inspection Report that “No non-compliant items identified during this inspection” under the requirements of the Animal Welfare Act regulations applicable to Counterclaim Defendant Connie Casey’s facility with respect to the care of the chimpanzees at issue in this case and concerning his conclusions in the June 10, 2016 Inspection Report that “No non-compliant items identified during this inspection” under the requirements of the Animal Welfare Act regulations applicable to Counterclaim Defendant Connie Casey’s facility with respect to the care of the chimpanzees at issue in this case. This witness will testify about the processes that are followed by such inspectors as set out in in the USDA Animal Welfare Inspection Guide, the applicable regulations which include, but are not limited to, 9 C.F.R. § 3.75, et seq. and 9 C.F.R. § 2.1, et seq., interpretive guidance provided by the USDA applicable to the facility, and his general practice as an animal welfare inspector. This witness will testify regarding all testing, measurement, and observations that he made in connection with the June 10, 2016 and August 11, 2017 Inspection Reports and that form the basis for the conclusions reached in the reports. This witness will also be called upon to testify regarding how the Animal Welfare Act regulations in this matter are interpreted and applied to further explain his findings of no non-compliant items at Counterclaim Defendant Connie Casey’s facility.

This witness will also be called upon to testify regarding his observations and opinions concerning the condition of the chimpanzees at issue in this matter, that will include both opinions regarding the generally acceptable physical condition of the chimpanzees and the absence of signs of psychological distress with respect to the chimpanzees at issue in this case.

This witness will also testify concerning changes that were made to the practices at Counterclaim Defendant Connie Casey’s facility to bring the facility in compliance with Animal Welfare Act regulations applicable to the chimpanzees at issue in this matter.

Furthermore, this witness may be called upon to testify regarding any inspections of Counterclaim Defendant Connie Casey’s facility that he has conducted as an animal welfare inspector that occur between the time of this disclosure and the time of trial in this matter.

The June 10, 2016 report and the August 11, 2017 report at issue are attached to this disclosure. The other relevant documents referred to in

this disclosure are equally available to all parties and in the public domain.

c. Tonia Haddix, 312 W. Cherokee Path Clever, MO 65631.

Ms. Haddix will testify regarding Connie Casey's facility's compliance with Animal Welfare Act regulations with respect to the chimpanzees at issue in this matter. The basis for these opinions will be derived from Ms. Haddix personal experience caring for non-human primates over many years, and Ms. Haddix's working knowledge of the requirements of the USDA and the regulations promulgated by the USDA under the Animal Welfare Act. Ms. Haddix opinions about the compliance of Connie Casey's facility with Animal Welfare Act regulations will be based upon her personal experience in working and volunteering at the facility, her personal understanding of the condition of the chimpanzees at issue in this case, and her general understanding of appropriate care and handling of non-human primates as a long-time licensee under the USDA's Animal Welfare Act regulations.

Ms. Haddix may also be called upon to testify concerning the general physical condition of the chimpanzees at issue in this case. Any such opinions that are elicited from Ms. Haddix are based upon her personal observations drawn from her experience at Connie Casey's facility and from her general experience working with non-human primates and the her general experience as a USDA licensee under the USDA's Animal Welfare Act regulations.

Ms. Haddix may also be called upon to testify concerning the psychological condition of the chimpanzees at issue in this case. Any such opinions that are elicited from Ms. Haddix are based upon her personal observations drawn from her experience at Connie Casey's facility and from her general experience working with non-human primates and the her general experience as a USDA licensee under the USDA's Animal Welfare Act regulations.

d. Connie Casey.

Ms. Casey will testify regarding her facility's compliance with Animal Welfare Act regulations with respect to the chimpanzees at issue in this matter. The basis for these opinions will be derived from her personal experience caring for non-human primates over many years, and her working knowledge of the requirements of the USDA and the regulations promulgated by the USDA under the Animal Welfare Act. Ms. Casey's opinions about the compliance of her facility with Animal Welfare Act regulations will be based upon her personal experience at the facility, her personal understanding of the condition of the chimpanzees at issue in

this case, and her general understanding of appropriate care and handling of non-human primates as a long-time licensee under the USDA's Animal Welfare Act regulations.

Ms. Casey may also be called upon to testify concerning the general physical condition of the chimpanzees at issue in this case. Any such opinions that are elicited from Ms. Casey are based upon her personal observations drawn from her experience at her facility and from her general experience working with non-human primates and the her general experience as a USDA licensee under the USDA's Animal Welfare Act regulations.

Ms. Casey may also be called upon to testify concerning the psychological condition of the chimpanzees at issue in this case. Any such opinions that are elicited from Ms. Haddix are based upon her personal observations drawn from her experience at Connie Casey's facility and from her general experience working with non-human primates, and the her general experience as a USDA licensee under the USDA's Animal Welfare Act regulations.

- e. Douglas Pernikoff, D.V.M., 32 Clarkson Wilson Center, Chesterfield, MO 63017.

Dr. Pernikoff will be called upon to testify concerning any opinions that he has derived as a result of his care of the chimpanzees at issue in this case. Any such opinions will be consistent with the medical records and/or as set out in his previous discovery deposition. Any opinions that are elicited will be based upon his practical experience as a veterinarian, his formal training as a veterinarian, and his observations and testing in connection with the care and treatment of the chimpanzees at issue.

Dr. Pernikoff may offer opinions concerning his conclusions that Connie Casey's facility is generally adequate for the chimpanzees at issue in this case and that Connie Casey's care for the chimpanzees has been generally adequate to meet their needs. Specifically, Dr. Pernikoff may testify that the chimpanzees have generally appeared to be in good health when he has visited Connie Casey's facility. Dr. Pernikoff is expected to testify that he is not aware of any existing condition or practice at Connie Casey's facility that creates a likelihood of injury to any of the chimpanzees at issue. Dr. Pernikoff is also expected to testify that he has seen no signs of obvious psychological distress of the chimpanzees at issue in this case as a result of any condition of Connie Casey's facility and/or her care of the chimpanzees. Dr. Pernikoff will testify that there is no pattern of neglect with respect to the chimpanzees at issue in this case. Dr. Pernikoff is also expected to testify that the cause(s) of any diseases that any individual chimpanzee he has treated cannot be linked to a

condition of Counterclaim Defendant Connie Casey's facility and/or the nature of her care for the chimpanzees at issue in this case.

- f. **Thomas Jones, D.V.M., Jones Animal Health Clinic, 1237 N. Truman Blvd., Crystal City, MO 63019.**

Dr. Jones will be called upon to testify concerning any opinions that he has derived as a result of his care of the chimpanzees at issue in this case. Any such opinions will be consistent with the medical records and/or as set out in his previous discovery deposition. Any opinions that are elicited will be based upon his practical experience as a veterinarian, his formal training as a veterinarian, and his observations and testing in connection with the care and treatment of the chimpanzees at issue.

Dr. Jones may offer opinions concerning his conclusions that Connie Casey's facility is generally adequate for the chimpanzees at issue in this case and that Connie Casey's care for the chimpanzees has been generally adequate to meet their needs. Dr. Jones may testify that the chimpanzees have generally appeared to be in good health when he has visited Connie Casey's facility. Dr. Jones is expected to testify that he is not aware of any existing condition or practice at Connie Casey's facility that creates a likelihood of injury to any of the chimpanzees at issue. Dr. Jones is also expected to testify that he has seen no signs of obvious psychological distress of the chimpanzees at issue in this case as a result of any condition of Connie Casey's facility and/or her care of the chimpanzees. Dr. Jones will testify that there is no pattern of neglect with respect to the chimpanzees at issue in this case. Dr. Jones is also expected to testify that the cause(s) of any diseases that any individual chimpanzee he has treated cannot be linked to a condition of Counterclaim Defendant Connie Casey's facility and/or the nature of her care for the chimpanzees at issue in this case.

Specifically, Dr. Jones may be asked to testify regarding his conclusions about the causes of death of any chimpanzee at Connie Casey's facility as set out in his records and his prior deposition testimony.

Dr. Jones may also testify concern the care and treatment that he observed Dr. Pernikoff rendering to the chimpanzees at issue in this case and may offer his own opinion that the care he observed appeared to be adequate and consistent with normal veterinary practices.

- g. **Cara Langfitt, D.V.M., Jones Animal Health Clinic, 1237 N. Truman Blvd., Crystal City, MO 63019.**

Dr. Langfitt may be called to testify regarding her testing relative to the chimpanzees at issue in this case and the conclusions that she reached as a result of any such testing.

- h. Byron Healzer, Penny Healzer, Karen Healzer, David Healzer, Josh Healzer, Heather Healzer, Lisa Harned, Amy Schmidt, Debbie Marshall and Kevin Harned.

All of the above witnesses have volunteered and/or worked at the facility of Connie Casey at issue in this matter. They are expected to offer testimony concerning the conditions of the facility and the care and treatment of the chimpanzees at issue in this case. It is also expected that these witnesses may be called upon to discuss the physical appearances of the chimpanzees at issue, the apparent health conditions of the chimpanzees at issue, and the apparent mental and/or psychological well-being of the chimpanzees at issue in this case. To the extent any such testimony and/or opinions are deemed expert testimony within the relevant Federal Rules of Evidence, the said witnesses are designated as non-retained experts.

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Attorney for Plaintiff/Counter-Defendant

Connie Braun Casey

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was sent by email and U.S. Mail on this 15th day of February 2019 to:

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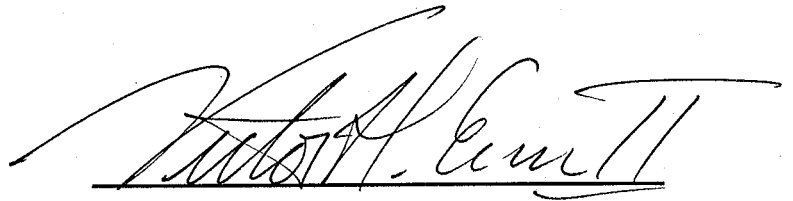
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Attorney for Vito Stramaeglia

A handwritten signature in dark ink, reading "Robert A. Curran II". The signature is written in a cursive style with a horizontal line underneath the name.



United States Department of Agriculture
Animal and Plant Health Inspection Service

WSNOW

2016082569145660 Insp_Id

Inspection Report

Connie Braun Casey
12338 Hwy C C
Festus, MO 63028

Customer ID: **321991**

Certificate: **43-C-0315**

Site: **001**

CONNIE BRAUN CASEY

Type: **ROUTINE INSPECTION**

Date: **10-MAY-2018**

No non-compliant items identified during this inspection.
This inspection and exit interview were conducted with the licensee.

Prepared By:

SNOW WILLIAM, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6125

Date:
10-MAY-2018

Received By:

CONNIE CASEY

Title: LICENSEE

Date:
10-MAY-2018



United States Department of Agriculture
Animal and Plant Health Inspection Service

WHEINE

2016082568687242 Insp_id

Inspection Report

Connie Braun Casey
12338 Hwy C C
Festus, MO 63028

Customer ID: **321991**

Certificate: **43-C-0315**

Site: 001

CONNIE BRAUN CASEY

Type: ROUTINE INSPECTION

Date: 09-AUG-2017

No non-compliant items identified during this inspection.
This inspection and exit interview were conducted with licensee.

Additional Inspectors

Plumlee Konnie, Veterinary Medical Officer

Prepared By:

William Heine

HEINE WILLIAM, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6058

Date:

11-AUG-2017

Received By:

7014 2870 0000 9164 2452

Title: CERTIFIED MAIL

Date:

11-AUG-2017



United States Department of Agriculture
Animal and Plant Health Inspection Service

162160842400168 WHEINE
insp_id

Inspection Report

Connie Braun Casey
Chimparty - Missouri Primates
12338 Hwy C C
Festus, MO 63028

Customer ID: 321991

Certificate: 43-C-0315

Site: 001

CONNIE BRAUN CASEY

Type: ROUTINE INSPECTION

Date: Jun-09-2016

No non-compliant items identified during this inspection.

Inspection and exit interview conducted with facility representative by Bill Heine (ACI).

Prepared By:

William G. Heine

WILLIAM G HEINE, A C I

USDA, APHIS, Animal Care

Title:

ANIMAL CARE INSPECTOR

Inspector 6058

Date:

Jun-10-2016

Received By:

Connie Braun Casey

CONNIE BRAUN CASEY

Title:

LICENSEE

Date:

Jun-10-2016